

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-091957

09/14/2018

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

MELISSA RUKSTELIS

URSULA H GORDWIN

v.

STATE OF ARIZONA, et al.

MICHAEL GREGORY GAUGHAN

SHELLEY D CUTTS
BARRY M MARKSON
JUDITH R BAUMANN
MICHAEL R NIEDERBAUMER
COURT ADMIN-CIVIL-ARB DESK
DOCKET-CIVIL-SE
JUDGE TALAMANTE

MINUTE ENTRY

Courtroom 207 – SEF

11:13 a.m. This is the time set for Oral Argument re: State Defendants' Motion to Dismiss and Defendant Press Mayntz's Joinder and Motion to Dismiss. Counsel, Ursula H. Gordwin, is present on behalf of Plaintiff. Counsel, Michael G. Gaughan, is present on behalf of State Defendants. Counsel, Barry M. Markson, is present on behalf of Defendant Kathleen Press Mayntz.

A record of the proceedings is made digitally in lieu of a court reporter.

The Court has reviewed the case file and the memoranda filed by counsel. Based on that review, the Court states its impressions and inclinations on the record.

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Based on the Court's inclinations and there being no objection by the parties,

IT IS ORDERED that Counts 4 and 5 of Plaintiff's Complaint are dismissed with prejudice.

IT IS ORDERED that Count 2 is dismissed as it relates to all State Defendants except Defendant Kathleen Press Mayntz.

IT IS ORDERED dismissing this cause with prejudice as to Defendant Department of Public Safety only.

IT IS FURTHER ORDERED directing Docket Services to remove **Department of Public Safety** as a Defendant in the Court's iCIS.

Oral argument is presented.

IT IS ORDERED taking this matter under advisement. The matter will be deemed submitted, and the Court will rule by Minute Entry within 60 days.

11:49 a.m. Matter concludes.

LATER:

An administrative error having occurred,

IT IS ORDERED directing Docket Services to remove **The Arizona Attorney General and State of Arizona Risk Management** as Defendants in the Court's iCIS.

After a further review,

THE COURT FINDS no "special relationship" between Plaintiff and the moving Defendants or legal authority to support a conclusion that Defendants owed a duty to the Plaintiff. Further, the Complaint fails to allege facts sufficient to support a claim for the intentional infliction of emotional distress.

IT IS ORDERED granting the Motion to Dismiss.

IT IS FURTHER ORDERED directing counsel for Defendants to submit a form of Order no later than **October 4, 2018**.